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ARLINGTON, VA 22201-4714

In re Application of:
Magnus Oberg, Nigel Robert Wood and:
Jonas Hemgren
Application No. 09/643,993
Filed: August 23, 2000
Title of Invention: PROTECTION OF
WDM-CHANNELS

OFFICE OF PETITIONS
A/C PATENTS
DECISION REFUSING
STATUS
UNDER 37 CFR 1.47(a)

This is in response to a petition under 37 CFR 1.47(a), filed May 14, 2000.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on August 23, 2000, without a fully executed oath or declaration. Accordingly, on October 13, 2000, a "Notice to File Missing Parts of Application" (hereinafter "Notice") was mailed to Petitioner. The Notice required, in relevant part, a fully executed oath or declaration.

In response, on May 14, 2000, applicant filed the instant petition under 37 CFR 1.47(a), along with a request for a five (5) month extension of time. The request for a five (5) month extension of time is hereby granted.

The Petition avers that the nonsigning inventor, Nigel Robert Wood (Mr. Wood), is either unreachable at the last known address, or refuses to join in the application. In support of the Petition, the Declaration of Ulvi Miller is submitted. The Declaration avers that Ulvi Miller mailed to Mr. Wood the United States Declaration and assignment documents at his last known address.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (1) as set forth above.

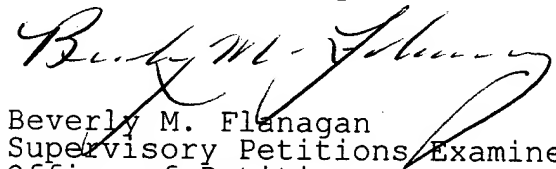
As to item (1), the applicant has failed to establish that the non-signing inventor, Nigel Robert Wood, was presented with the application papers (specification, claims and drawings). Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to Petitions Attorney Derek L. Woods at (703) 305-0014.


Beverly M. Flanagan
Supervisory Petitions Examiner
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Office of the Deputy Commissioner
for Patent Examination Policy